

EXHIBIT PREPARATION FOR THE WORKERS' COMPENSATION COURT

It is the responsibility of the **Petitioner** to prepare the final exhibit packet which becomes a part of the Court record and is for the use of the Judge at trial. However, if the **Petitioner** is a pro sé litigant, the responsibility of preparing the final exhibit packet rests with the **Respondent**. **PRIOR** to the pretrial conference, the **Respondent** must provide the **Petitioner** with sufficient copies for all parties of every exhibit it intends to offer for admission. These exhibits must be separated and the pages within the exhibit must be numbered. The **Petitioner** (or in the case of a pro sé litigant, the **Respondent**) will then identify the exhibit by number when preparing the Pretrial Order. At the time of trial, there must be conformed copies of the exhibit notebook for **all parties and the Court**.

THE - HOW TOs:

- 1) Exhibits must be **bound** like a "deposition" or in a three-ring binder.
- 2) An **index** listing all exhibits, utilizing the form which is used by the Court, must be the first page of the exhibit. **This index must also be included in the final Pretrial Order.** (A sample of this form can be viewed on the Court's website.)
- 3) Within the binder each exhibit must be **tabbed** with its identifying exhibit number extending to the right side of the divider page or the first page of each exhibit.
- 4) Each page within each exhibit must be numbered. (Ex. 1 - 1, Ex. 1 - 2, Ex. 2 - 1, Ex. 2 - 2, etc.)
- 5) Include the number of pages **within** each exhibit on the index sheet. (Ex. 1, (pp. 1-3); Ex. 2, (p. 1), etc.)
- 6) **DO NOT GIVE THE COURT AN ILLEGIBLE EXHIBIT.** If an exhibit is illegible, the offering party, with the consent of the opposing party, can request the author of the exhibit to reproduce the exhibit so it is legible. A deposition can be taken to clarify the contents of any exhibit.
- 7) The Workers' Compensation Court **does not** distinguish between petitioner or respondent exhibits; therefore, all exhibits are numbered sequentially.
- 8) Avoid duplication of exhibits if at all possible. Exhibits attached to depositions do not need to be duplicated in the exhibit notebook. However, if it would be beneficial to the expediency of the trial, duplication of certain exhibits may be helpful.

- 9) **OBJECTIONS** must be specific and noted on the index sheet **and** in the **final** Pretrial Order. Failure to make an objection in the Pretrial Order may result in the Judge not allowing the objection to be made at the time of trial.
- 10) Always call the clerk's office if you have a question. (444-7794)

SPECIAL INSTRUCTIONS REGARDING MEDICALS EXHIBITS

Medical providers' records may be combined as one exhibit as long as each record is identified on the exhibit index, AND the records are separated and identified by an index tab within the exhibit. Or each medical providers' record may be a separate exhibit.

Keep in mind that if more than one record by a provider is included in an exhibit, the oldest or first report should be the first page within the section and the latest, most recent report should be the final page.

There should be no **duplication** of medical reports. An exception to this may be if a provider is relying on the records of another provider. Unless inclusion of a duplicate document is imperative to the understanding of the subject report, do not include the document for a second time.

The objective of these instructions is not to confuse, but to ensure that any exhibit can be easily located at the time of trial and easily identified during the decision-making process.

If you have any questions or suggestions about how to clarify this process, please let us know.